

REMARKS

Claims 1-9 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Regarding the rejection based on Berra, each of the independent claims has been amended to recite that the stored information records a number of times the programmable memory device has been programmed/reprogrammed. Berra shows a flash reprogramming security for vehicle computer, wherein the security is based on the change of encryption keys. This means that if a person knew the method and the encryption key, that person is able to change the system in a way such that new software could be stored. The reason for this is in Berra, the time before a visit in the repair shop or the garage the old software could be stored again to avoid loss of guarantee.

In the present invention the erasing itself will not be anticipated or avoided, but with the claimed invention it is possible to get a documented evidence of conformity with regard to the number of erasing operations, which means that with regard to a visit in the repair shop or garage the number of erase operations is recorded. So with regard to the claimed invention the erasing is not avoided, but the occurrence of every instance of change in software will be evidenced, whether the change is authorized or not.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

KENYON & KENYON

By: LB [Signature] (B. No. 41,172)

By: Richard L. Mayer

Richard L. Mayer

Reg. No. 22,490

One Broadway

New York, NY 10004

(212) 425-7200

Dated: 7/6/05